

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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SIDNEY MANES, Administrator of the Estate of  
HECTOR RIVAS,

*Plaintiff,*

vs.

ONONDAGA COUNTY, CITY OF SYRACUSE,  
WILLIAM FITZPATRICK, DR. ERIK MITCHELL,  
AND "JOHN DOES 1-10",

*Defendants.*

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***AFFIRMATION OF  
ROBERT F. JULIAN, ESQ.***

Civil Action No. 5:19-cv-844  
(BKS/TWD)

Under the penalty of perjury, Robert F. Julian, Esq., affirms the following to be true, upon personal knowledge and/or upon information and belief, with respect to the matter entitled The People of the State of New York versus Hector Rivas, Indictment No. 92-1114-1, as venued in Onondaga County, New York:

1. I am an attorney duly licensed to practice in the State of New York. I represent the Defendants William Fitzpatrick and Dr. Erik Mitchell in this matter and, as such I am fully familiar with the facts and circumstances of this matter.

2. I make this affirmation in further support of Defendants Fitzpatrick and Mitchell's Motion for Summary Judgment.

3. The purpose of this affirmation is to present before the Court in an organized fashion, all of the exhibits that are referred to in Defendants' Affirmation of William Fitzpatrick, Affirmation of Dr. Erik Mitchell, Affirmation of Dr. Mary Jumbelic, Affirmation of Robert Masters, Esq., and Defendants' Memorandum of Law in Support of summary Judgment.

4. The exhibits as referenced below are all similarly referenced in Defendants' supporting documents as follows:


- Exhibit A – Report of the Onondaga County Medical Examiner with regard to Valerie Hill
- Exhibit B – Grand Jury Testimony of Dr. Erik Mitchell
- Exhibit C-1 – Trial Testimony of Dr. Erik Mitchell
- Exhibit C-2 – Trial Testimony of Susan Stonecipher
- Exhibit C-3 – Trial Testimony of James Crimi
- Exhibit C-4 – Trial Testimony of Mark J. Brosh
- Exhibit C-5 – Trial Testimony of Joseph F. Fields
- Exhibit C-6 – Trial Testimony of Laura L. Adams
- Exhibit C-7 – Fitzpatrick Summation
- Exhibit D-1 – Deposition Testimony of Sidney Manes from EBT I taken on May 31, 2022
- Exhibit D-2 – Deposition Testimony of Sidney Manes from EBT II taken on August 22, 2022
- Exhibit D-3 – Deposition Testimony of Sidney Manes from EBT III taken on October 18, 2022
- Exhibit D-4 – Deposition Testimony of Sidney Manes from EBT IV taken on October 19, 2022
- Exhibit E – Deposition Testimony of Dr. Erik Mitchell
- Exhibit F – Deposition Testimony of William Fitzpatrick
- Exhibit G – Deposition Testimony of Dr. Daniel Spitz, Forensic Pathologist
- Exhibit H – Deposition Testimony of Peter Tynan
- Exhibit I – Deposition Testimony of Sidney Cominsky, Esq.
- Exhibit J – March 6, 1993 Post Standard Newspaper Clipping

Exhibit K –	November 16 Memo
Exhibit L –	November 19 Memo
Exhibit M –	November 19 Press Release
Exhibit N –	35mm Kodachrome color slides
Exhibit O –	2 <sup>nd</sup> Circuit Transcript
Exhibit P –	No Exhibit P
Exhibit Q –	Affirmation of Dr. Mary Jumbelic
Exhibit R –	Affirmation of Robert Masters, Esq.
Exhibit S-1 –	Transcript of Hearing Before Judge Thomas J. Miller dated March 25, 2015
Exhibit S-2 –	Transcript of Hearing Before Judge Thomas J. Miller dated April 20, 2015
Exhibit S-3 –	Transcript of Hearing Before Judge Thomas J. Miller dated January 5, 2016
Exhibit S-4 –	Transcript of Hearing Before Judge Thomas J. Miller dated March 18, 2016
Exhibit T –	Search Warrant
Exhibit U –	Search Warrant Application
Exhibit V –	DNA and Latent Fingerprint Reports from Defendants’ Experts Ashley Tate and Daniel Cowen
Exhibit W –	Grand Jury Testimony of November 9, 10 and 16.

5. In certain instances, I have not included the complete transcript of testimony which is available to the Court and counsel upon request.

6. Please note there is no Exhibit “P.” Exhibit “P” is left intentionally blank.

I affirm this 31 day of October, 2024, under penalties of perjury under the laws of the State of New York, which may include a fine or imprisonment, that the foregoing is true, and I understand that this document may be filed in an action or proceeding in a court of law.

  
Robert F. Julian, Esq.  
BAR Roll NO 601157